

MHN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
5-8-2008
MAY X 8 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

LAMAR C. CHAPMAN III,

Plaintiff,

-vs-

THE VILLAGE OF HINSDALE,
ILLINOIS an Illinois Municipal
Corporation; THE HINSDALE POLICE
DEPARTMENT, and UNKNOWN
OTHERS,

Defendants.

CASE NUMBER: 07-CV-7232

Honorable George W. Lindberg
Senior U.S. District Judge Presiding

Honorable Geraldine Soat Brown
Magistrate Judge

**MOTION FOR EXTENSION OF TIME
TO SERVE SUMMONS
Or in the Alternative
MOTION TO ACCEPT DEFENDANTS'
OPEN-COURT WAIVER OF SERVICE OF SUMMONS**

NOW COMES PLAINTIFF, Lamar C. Chapman III, Non-Attorney, Non-Lawyer,
Pro Se and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure respectfully
moves this Honorable Court to allow the unrepresented Plaintiff a modest extension of
time to serve the newly identified Defendants in the above-captioned matter or in the
alternative, to accept Defendants' Open-Court Waiver of Service of Summons and for
this Honorable Court to make a reasonable decision, Plaintiff states as follows:

1. On Wednesday, March 19, 2008, this Honorable Court generously granted
the unrepresented Plaintiff's oral motion for leave to file a First Amended Complaint
within five (5) days on Monday, March 24, 2008.
2. Also on Wednesday, March 19, 2008, Counsel for the Defendants in open-
court made the representation to the Honorable George W. Lindburg, judge presiding that
Defendant Lawrence Bloom; Defendant Kevin Simpson; and Defendant Charles Leuver
waive service of summons in the above-captioned matter. *See Report of Proceedings by*
reference made a part hereof.

3. On March 31, 2008, the unrepresented, *Pro Se*, Plaintiff sent by Executive Messenger and facsimile delivery the required forms for the Waiver of Summons to the Office of Counsel for the Defendants. See Exhibit A, *attached hereto and made a part hereof*.

4. On April 30, 2008, Counsel for the Defendants represented to the unrepresented Plaintiff in Court that he intended to execute the Waiver of Summons Forms once Judge Lindberg actually granted Plaintiff's Motion for Leave to File the First Amended Complaint.

5. Also, on April 30, 2008, this Court granted the unrepresented Plaintiff leave to file his First Amended Complaint, *instanter* and on May 5, 2008, Counsel for the Defendants filed with the Clerk of the Court his renewed Motion to Dismiss, yet failed to execute the Waiver of Service of Summons forms or to file the same with the Clerk of the Court.

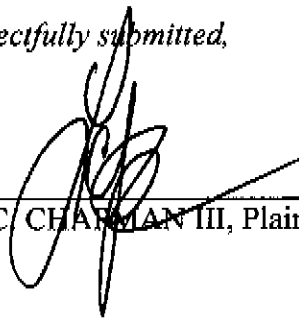
6. All parties are clear that the expiration for service of summons is May 30, 2008. And unless Waiver of Summons is timely effectuated or Service of Summons is timely effectuated Defendants Bloom, Simpson and Leuver will be unduly dismissed on an intended or created legal technicality of Defendants or their Counsel.

7. Considering the foregoing, to accept Counsel for the Defendants' verbal representation of waiver of service of summons or to allow a modest twenty-eight (28) day extension of time to serve Defendants Bloom, Simpson and Leuver is morally warranted and would not prejudice any party to these proceedings. Moreover, the unrepresented Plaintiff has followed all the Rules of this Honorable Court and has exercised urgency and due diligence in this matter.

WHEREFORE, Plaintiff, Lamar C. Chapman III, Non-Attorney, Non-Lawyer, *Pro Se*, respectfully prays that this Honorable Court will grant this motion and such

additional relief that is morally and lawfully warranted. GOD BLESS THIS
HONORABLE COURT.

Very Respectfully submitted,



LAMAR C. CHAPMAN III, Plaintiff, *Pro Se*

DATED: May 8, 2008

Non-Attorney, Non-Lawyer
Plaintiff, *Pro Se*
LAMAR C. CHPMAN, *Solo Fides*
Alexander, Cavanaugh & Block, LLC
1314 Kensington Road
Post Office Box 5232
Oak Brook, IL 60523-5232
Telephone (630) 881-1936
Email: lasallecompanies@aol.com

PLAINTIFF'S EXHIBIT GROUP, A

CHAPMAN

1314 Kensington Road
Post Office Box 5232
Oak Brook, IL 60523-5232
Telephone (630) 881-1936
Email: lasallecompanies@aol.com

March 31, 2008

EXECUTIVE MESSENGER

Russell W. Hartigan, Esq.
Patrick H. O'Connor, Esq.
Michael R. Hartigan, Esq.
HARTIGAN & CUISINIER, P.C.
222 North LaSalle Street, Suite 2150
Chicago, IL 60601

**RE: Chapman vs. The Village of Hinsdale, et al.,
Case Number 07-cv-7232
Honorable George W. Lindberg, Judge Presiding**

Dear Mr. O'Connor:

Please find enclosed, prepared Waivers for Service of Summons for Defendants Lawrence Bloom, Kevin Simpson, and Charles Leuver. I have also enclosed a file-stamped copy of the undersigned's Motion for Leave to Voluntarily Dismiss Defendant The Village of Hinsdale Police Department.

Mr. O'Connor, please advise if you have questions, comment, input or other concern. Thank you for your time, effort and professional consideration.

Very truly yours,

COPY
LAMAR C. CHAPMAN III, *Solo Fides*

LCIII:dv
Enclosures - as stated

CHAPMAN

1314 Kensington Road
Post Office Box 5232
Oak Brook, IL 60523-5232
Telephone (630) 881-1936
Email: lasallecompanies@aol.com

May 7, 2008

FACSIMILE DELIVERY

Russell W. Hartigan, Esq.
Patrick H. O'Connor, Esq.
Michael R. Hartigan, Esq.
HARTIGAN & O'CONNOR, P.C.
222 North LaSalle Street, Suite 2150
Chicago, IL 60601

**RE: Chapman vs. The Village of Hinsdale, et al.,
Case Number 07-cv-7232
Honorable George W. Lindberg, Judge Presiding**

Dear Mr. O'Connor:

On or about March 27, 2008, you represented to the Honorable George W. Lindberg, in open-court that you intended to Waive Service of Summons in the above-captioned matter for Defendants Lawrence Bloom, Kevin Simpson and Charles Leuver. As a result of your representation, on March 31, 2008, I sent to your office *via* Executive Messenger delivery and first class mail Waivers for Service of Summons for said Defendants. Moreover, you indicated to me in Court on April 30, 2008, that you intended to forward the executed waivers over to the undersigned once Judge Lindberg granted my Motion for Leave to File the First Amended Complaint. A cursory review of the Clerk's Docket this morning indicates that you filed your Motion to Dismiss on Monday, May 5, 2008, without filing any of the Waivers for Service of Summons.

Mr. O'Connor, please advise if you still intend to execute the Waivers for Service of Summons in this matter. I respectfully request to hear from your office before the close of business on Thursday, May 8, 2008. Thank you for your time, effort and professional consideration.

Very truly yours,

COPY

LAMAR C. CHAPMAN III, *Solo Fides*

LCIII:dv
Enclosures – *as stated*

Facsimile Delivery Number (312) 201-8905 – Two Pages w/o a Cover Page